

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

ALL ACTIONS

HON. CYNTHIA M. RUFÉ

ORDER

AND NOW, this 20th day of June 2023, upon consideration of the attached Joint Stipulation regarding the deposition of Armando Kellum, it is hereby **ORDERED** that the Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

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JOINT STIPULATION

(STIPULATED ORDER REGARDING THE DEPOSITION OF ARMANDO KELLUM)

WHEREAS, Armando Kellum, former employee of Sandoz, Inc. (“Sandoz”), is a defendant in certain cases that are part of the *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, 16-MD-2724 (E.D. Pa.) multi-district litigation (“MDL”), including Civil Action No. 20-3539, one of the bellwether cases in the MDL;

WHEREAS, pursuant to Pretrial Order No. 234 (Dkt. 2443), the current schedule for the bellwether cases contemplates that fact discovery shall be completed by October 2, 2023;

WHEREAS, Plaintiffs in MDL 2724 have requested to schedule a deposition of Mr. Kellum in May 2023, pursuant to Pretrial Order No. 158 (Dkt. 1688);

WHEREAS, Mr. Kellum is a defendant in a federal criminal case captioned *United States v. Armando Kellum*, No. 20-cr-00065 (E.D. Pa.), and is awaiting sentencing, which is currently scheduled for December 5, 2023;

WHEREAS, plaintiffs in the MDL have cited to Mr. Kellum’s guilty plea and the criminal information in *United States v. Armando Kellum*, No. 20-cr-00065 (E.D. Pa.) as relevant to their allegations;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. The MDL 2724 deposition of former Sandoz employee Armando Kellum shall take place in September 2023 or as soon as practicable thereafter.
2. To the extent that Mr. Kellum asserts his Fifth Amendment right against self-incrimination in such deposition, he may do so without prejudice to his ability to later withdraw the invocation of that right.
3. Nothing in this stipulation shall impair or foreclose plaintiffs' right to seek any relief otherwise permitted by law or the Court's Pretrial Orders, including but not limited to an adverse inference instruction based on Mr. Kellum's assertion of his Fifth Amendment right against self-incrimination, or to seek or oppose a second deposition of Mr. Kellum if he later withdraws his invocation of that right.
4. This stipulation is without prejudice to any party's right to seek an additional extension or other modification of the foregoing deadlines, by stipulation or otherwise.

IT IS SO STIPULATED.

Dated: June 13, 2023

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